

THE EFFECTIVE DATE OF THIS ORDINANCE IS NOVEMBER 30, 2006

ORDINANCE NO. 06-41-437

OPINION, FINDINGS AND ORDINANCE
OF
THE BOARD OF COUNTY COMMISSIONERS
OF
FREDERICK COUNTY, MARYLAND

RE: APPLICATION OF CARROLL MANOR FIRE CO., INC.

REZONING CASE NO. R-06-05

OPINIONS/FINDINGS

The Carroll Manor Fire Co., Inc. filed this application to rezone 10.16 acres of land, more or less, from R-1 Low Density Residential to Planned Unit Development (PUD), all as more fully described in the record. The property is located on the southwest side of Tuscarora Street, adjacent on its south side to the Adamstown Commons development in the Adamstown Planning Region.

Staff of the Frederick County Division of Planning and Zoning recommended approval of the proposed PUD rezoning with three conditions. The maximum land use density recommended by Planning Staff is based on the project proposal for 50 dwelling units on 10.16 acres. This calculates to be a gross PUD density of 4.9 dwelling units per acre. The applicant proposes to build 20 to 25 single family dwelling units at the southern end of the property (adjoining Adamstown Commons), and to rehabilitate and expand the former Adamstown Elementary School building to include 25 to 30 moderately priced dwelling units.

Based on all the evidence submitted in this case, the Board makes the following specific findings of fact (in addition to the findings above), on each of the matters mentioned in Maryland Code Annotated, Article 66B, § 4.05(a):

1. POPULATION CHANGE:

Staff has delineated, and the Board adopts, a neighborhood boundary for the subject property defined from the intersection of Adamstown Road and New Design Road extending south to Doubs Road and west to the CSX Railroad, as shown on the aerial photograph on page one of the staff report.

The population of the neighborhood in July 2006 was 1,328 persons. This figure is based on 447 occupied housing units and an average household size of 2.97 persons. As proposed, the PUD will generate a maximum of 50 dwelling units for an additional population of 149 persons.

2. AVAILABILITY OF PUBLIC FACILITIES:

A. SCHOOLS

The site is located within the Carroll Manor Elementary (87% capacity, June 2006 BOE), Ballenger Creek Middle (82% capacity, June 2006 BOE) and Tuscarora High (117% capacity, June 2006 BOE) attendance areas. The County's adopted FY 2007-2012 Capital Improvements Program (CIP) includes an addition to the Carroll Manor Elementary School scheduled to open in August 2008. This eight-classroom addition will accommodate an additional 224 students and will increase the school's capacity to 693 students. An addition to Tuscarora High School is planned as a developer funded project in connection

with approval of the Linton PUD located in the Ballenger Creek Regional Community.

B. FIRE AND RESCUE SERVICES

The Carroll Manor Volunteer Fire Co., Inc. Station #14 will provide service to the PUD, and is located approximately one block from the site. The Fire Company has submitted plans for construction of a new fire and rescue facility located at the southwestern quadrant of the intersection of Adamstown Road and MD 85, approximately two miles east of the site.

C. POLICE SERVICE

The Frederick County Sheriff's Department and the Maryland State Police will provide police protection to the site.

D. LIBRARIES

The site is served by the main library facility -- C. Burr Artz -- in downtown Frederick and by the Edward E. Fry Memorial Library at Point of Rocks.

E. PARKS AND RECREATION FACILITIES

The Green Hill Community Park, a 22 acre County-owned facility, is located in Adamstown at Decatur Road and Adamstown Road. The park amenities include a basketball court, soccer field, playground and picnic tables. Additionally, residents utilize recreational facilities at Carroll Manor Elementary School, located on Adamstown Road.

The developer of the adjacent Adamstown Commons subdivision is currently negotiating with the County on the ownership and amenities of parkland within that development. Located in close proximity to the site, the park would be within a short walk of the PUD.

This PUD will include a 3.01 acre Village Green and three pocket parks to serve the development -- a total of 3.23 acres of the 10.16 gross land area of the PUD.

F. WATER AND SEWER

The site is comprised of two parcels acquired at separate times by the Fire Company in 1965 and 1979, then combined through an Addition Plat in 1979. The northern section of the site is classified as W-1 (existing water service) and S-3 (planned sewer service within 3 years). The southern section of the site is classified as W-5 and S-5 (planned service within 7 - 20 years).

The Adamstown District Community is served with treated water from the New Design Water Treatment Plant, which has a capacity of 6.6 million gallons per day. Wastewater treatment is provided by the Ballenger Creek Wastewater Treatment Plant, which has limited remaining capacity on a first come-first serviced basis.

The County's adopted FY 2007-2017 CIP includes a Phase II expansion to the New Design Water Treatment Plant, expected to accommodate 15 million gallons per day. The FY 2007 - 2012 CIP also provides for a Phase I addition to the Ballenger Creek wastewater treatment facility - to be known as the

McKinney Wastewater Treatment Plant -- which will supply the surrounding area with 6 million gallons per day of sewage treatment capacity.

The applicant proposes extension of public water and sewer service to the site through the Adamstown Commons subdivision.

3. PRESENT AND FUTURE TRANSPORTATION PATTERNS:

The subject site is situated at the southwest corner of Washington Street and Tuscarora Street in Adamstown, Maryland. Washington Street is an east-west local road which dead-ends west of the site. The property has approximately 475 feet of frontage on Washington Street. Tuscarora Street is a local road which runs north-south and dead-ends at the project site. The property has approximately 600 feet of frontage on its east side along Tuscarora Street. The applicant proposes an extension of Tuscarora Street into the property to serve its southeast end.

Both Washington Street and Tuscarora Street are unmarked and paved with a 60 foot right-of-way. Tuscarora Street meets Washington Street at a T-intersection; Washington Street then runs east directly to Mountville Road, identified as a collector road. Mountville Road is a two-lane marked road with a 60 foot right-of-way.

Traffic counts conducted by the Maryland State Highway Administration in 2005 indicate the following levels of vehicular traffic on major roads in the vicinity of the proposed PUD:

- Mountville Road, 0.2 miles east of Ballenger Creek Road: 3,025 trips per day.

- MD 85, 0.1 miles north of MD 28: 6,025 trips per day.
- MD 85, 0.1 miles north of MD 80: 7,325 trips per day.
- US 15, 0.3 miles north of Mountville Road: 16,925 trips per day.

The applicant will extend Tuscarora Street into the PUD. This extension will provide access to the Village Green, multi-family units and eastern end of the single-family detached units from the existing street grid in the Adamstown community. This extension will not connect to the Adamstown Commons subdivision.

The applicant will provide two connections with the Adamstown Commons internal circulation network, facilitating traffic movement to the south: an extension of Mae Wade Avenue into the PUD; and a connection of Mae Wade Avenue with Bill Dorsey Boulevard at the western end of the PUD.

4. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA:

A. EXISTING LAND USES AND SUBDIVISION ACTIVITY IN THE NEIGHBORHOOD

The subject property is an infill site amongst low density residential land use. Adjoining the property to the south and west is the former Chuck Wade Sod Farm, where construction of the Adamstown Commons development is in progress. To the north and east of the property is the community of Adamstown, which consists primarily of single family homes zoned R-1 Residential, with some Village Center zoning along Adams Street and

Mountville Road. All parcels adjoining the subject property are designated for low density residential land uses.

B. LAND PRESERVATION ACTIVITY IN THE NEIGHBORHOOD

Although there are no adjoining properties in agricultural or land preservation programs, the Adamstown region supports a diversity of land preservation activity. There are 3,786 acres of land in protection under the following programs: Maryland Agricultural Land Preservation Foundation (MALPF) easements - 1,276 acres; MALPF Districts - 726 acres; County held lands - 349 acres; County Installment Purchase Program - 782 acres; and Maryland Environmental Trust - 653 acres.

C. CULTURAL RESOURCES IN THE NEIGHBORHOOD

The former Adamstown Elementary School, built in 1924, is located on the project site. The building is a contributing structure in the Adamstown Survey District in the Maryland Inventory of Historic Properties. The applicant will undertake the adaptive reuse of the school building. Rehabilitation of the former school building is consistent with historic preservation goals and objectives in the County Historic Preservation Plan.

D. SUMMARY

The PUD reclassification is compatible with existing and proposed development.

5. RECOMMENDATION OF THE FREDERICK COUNTY
PLANNING COMMISSION:

The Frederick County Planning Commission recommended approval of the requested PUD rezoning request R-06-05 with three conditions:

1. As an infill project, the PUD's proposed single-family dwelling units shall be similar in nature, type and density to the adjacent development of Adamstown Commons.
2. The proposed PUD shall respect and incorporate the historical development patterns, architectural elements and natural landscape of the Adamstown Village Core.
3. The adaptive reuse and addition to the former Adamstown Elementary School shall be in keeping with the original architecture and building materials.

6. RELATIONSHIP WITH THE FREDERICK COUNTY
COMPREHENSIVE PLAN:

The subject property is designated low density residential in the Adamstown Region Plan (2001). Under the Zoning Ordinance the low density residential designation allows for a density range of 1 to 5 dwelling units per acre for a PUD application. The proposed density for this PUD is 4.9 dwelling units per acre.

The Board specifically adopts the Planning Staff findings as follows:

1. **The relationship of any development with the Comprehensive Plan, zoning regulations and other established development policy guidelines.**

The applicant proposes a gross maximum density of 4.9 dwelling units per acre for the Carroll Manor PUD, which is consistent with the 1-5 dwelling unit per acre guidelines presented in the Zoning Ordinance (§1-19-

321.F.4). The County Comprehensive Plan (Volume I, 1998), however, provides a density range for the Low Density Residential land use designation of 1-4 dwelling units per acre.

The proposed PUD meets a variety of Affordable Housing, Smart Growth and Historic Preservation goals and objectives. Development of the subject property as a PUD rather than conventional R-1 subdivision allows the Applicant to be creative in the design and functionality of the property. Under R-1 zoning, the former Adamstown Elementary School building could not be developed to its true potential as an affordable housing initiative with Interfaith Housing Alliance, Inc. Additionally, the Village Green open space would most likely be developed with single-family units at a density of 1 unit per acre.

2. The general location of the site and its relationship to existing land use in immediate vicinity.

The subject property is an infill site amongst low density residential land uses. Adjoining the property to the south and west is the former Chuck Wade Sod Farm, where construction of the Adamstown Commons development is in progress. The subdivision, zoned R-3, intersperses conventional and neo-traditional site design and layout. To the north and east of the property is the community of Adamstown. Primarily, there are single-family homes laid out along the community's original street grid. These properties are primarily zoned R-1 Residential although some Village Center zoning is in place along Adams Street and Mountville Road. All parcels adjoining the subject property are designated for Low Density Residential land uses.

Under PUD zoning, the property can develop with consistent densities as its adjacent land uses. The Village Green is protected as open space and serves as a buffer to the historic village. The former school building can be adaptively reused as an MPDU project. The southern end of the property can support single-family dwellings similar in nature, layout and design to the Adamstown Commons subdivision. There are no adjacent properties in agricultural or land preservation programs.

3. The long term implications the PUD would have on subsequent local development patterns and demand for public facilities and services in the county and neighboring municipalities.

The proposed PUD is an infill property situated between Adamstown Commons and the historic Adamstown village. It is one of the few remaining vacant parcels in the Adamstown District Community. The Applicant proposes construction of the project in one single development phase with initial occupancy projected for 2010-2011. Given the size of the project, one development phase seems appropriate.

4. The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity.

The project site is relatively flat with no known environmental constraints. Currently the site is primarily in turf grass and offers minimal environmental benefit. Development of the property has the potential to enhance the natural environment if Maryland native species are selected and planted on the property. Opportunities exist to restore sections of the turf grass areas to more naturalized spaces.

The rehabilitation of the former Adamstown Elementary School has the potential to enhance the site's built environment, serve a Countywide need for affordable housing, and preserve an historic property. If done appropriately, the adaptive reuse of the building by Interfaith Housing Alliance, Inc. would meet these goals.

5. The PUD's proposed construction schedule and how it relates to the provision of public services and facilities necessary to serve the PUD.

The proposed PUD would have an initial occupancy of 2010-2011. It is unclear at this stage in the process whether Tuscarora High School will be able to serve the project site's anticipated six (6) high school students. An addition is planned for the school; however as a developer funded initiative, the project is not included in the County CIP and cannot serve to mitigate an APFO failure at the high school level. Therefore, any development in this attendance area would have to wait until the Tuscarora High School addition is open (January 2008) to have their project evaluated with the additional capacity. By that time, the school may be over or near capacity again. Other public services and facilities appear to be available and adequate to serve the PUD.

6. The availability and suitability of vehicular access.

Currently several unimproved local roads serve the project site. These roads may require improvements prior to development of the proposed PUD. The applicant proposes an extension of Tuscarora Street into the eastern end of the project site; perhaps upgrades to the street could be included as part of

the review process for that improvement project. The applicant has not provided trip generation data for the project so there is no analysis relative to the number of vehicle trips per day and local road conditions in Adamstown.

The applicant has intentionally left out any vehicular access through the project site, which would connect the historic Adamstown village area with the Adamstown Commons subdivision. This omission was based on feedback from adjacent property owners and community residents received by the applicant during community meetings held as part of their conceptual planning process.

The applicant also proposes a loop road off of Tuscarora Street that would serve the multi-family units in the former Adamstown Elementary School and several single family dwellings planned for the southwest end of the Village Green.

7. The availability of water and sewer facilities.

There is adequate public water and sewer supply for the proposed PUD. The Ballenger Creek WTP and McKinney WWTP would serve the project site. Currently, the project site has a water service classification of W-1 and W-5 and a sewer service classification of S-3 and S-5. The Applicant will be required to request an amendment to the water and sewer service classification maps prior to delivery of service.

Based on all the evidence submitted in this matter, the Board of County Commissioners determines that this project concept is feasible and desirable. The Board finds that the proposal complies with all the purposes of the

PUD classification and will further those purposes. The Board finds that this proposal is compatible with the adjoining land uses and will have no significant adverse impacts. The Board finds that this proposal is in the public interest. The Board finds that the required conditions are related both in nature and extent to the impact of the proposed development. The Board establishes the maximum gross land use density as 4.9 dwelling units per acre, based on the ratio of the proposed 50 dwelling units to the 10.16 acre site.

The proposed PUD Floating Zone classification will be granted subject to the conditions stated below.

ORDINANCE

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth above, Rezoning Case No. R-06-05 is hereby **GRANTED** for the reclassification of 10.16 acres of land, more or less (as delineated in the record), from the R-1 Low Density Residential classification to the Planned Unit Development (PUD) Floating Zone classification, subject to the following conditions¹:

1. As an infill project, the single family dwellings in the PUD will be similar in nature, type and density to the adjacent development of Adamstown Commons, as determined by the Planning Commission during the Phase II approval process.

¹ The term "applicant" or "developer" as used in this Ordinance includes all present and future owners and developers of the property. The uses and conditions set out herein run with the land, and are binding on the present and future owners and developers of the property.

2. All structures in the PUD will be consistent with and will incorporate the historical development patterns, architectural elements and natural landscape of the Adamstown Village Core, as determined by the Planning Commission during the Phase II approval process.

3. The adaptive reuse and addition to the former Adamstown Elementary School will be consistent with the original architecture and building materials.

4. There will be a maximum of 50 units developed on the property.

The conditions included as part of the granting of this Planned Unit Development (PUD) floating zone request are deemed necessary for the health, safety and welfare of the community; are imposed as an integral part of this approval; and are not separable from the decision to grant the requested floating zone classification. If, for any reason, a court of competent jurisdiction finds that any material portion of any of these conditions is substantially invalid or unenforceable, the zoning shall revert to the previous R-1 Low Density Residential zoning classification.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD, that the Zoning Administrator is hereby authorized and directed to make the appropriate change on the Zoning Map showing this reclassification, with conditions, as indicated above.

The undersigned hereby certify that this Ordinance was approved and adopted
on the 30th day of November, 2006.

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: Michael L. Cady
Michael L. Cady, Vice President

John R. Lovell, Jr.
John R. Lovell, Jr.

ATTEST:

Douglas D. Browning
Douglas D. Browning
County Manager

Jan H. Gardner
Jan H. Gardner

MFC 11/30/06

Commissioners John L. Thompson, Jr. voted against the proposed
reclassification. Commissioner Bruce L. Reeder was absent.